

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Mediacom Communications Corporation	)	File No. EB-02-TS-617
	)	
Operator of Cable Systems in the States of:	)	
	)	
Alabama, Florida, Georgia, Illinois, Iowa,	)	
Kansas, Kentucky, Minnesota, Mississippi,	)	
Missouri and Wisconsin	)	
	)	
Request for Waiver of Section 11.11(a) of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: April 16, 2003****Released: April 21, 2003**

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

1. In this *Order*, we grant Mediacom Communications Corporation ("Mediacom") temporary, 12-month waivers of Section 11.11(a) of the Commission's Rules ("Rules") for 107 cable television systems in the 11 above-captioned states. Section 11.11(a) requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System ("EAS") messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.<sup>1</sup>

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 ("Act"), which requires that cable systems be capable of providing EAS alerts to their subscribers.<sup>2</sup> In 1994, the Commission adopted rules requiring cable systems to participate in EAS.<sup>3</sup> In 1997, the

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<sup>1</sup> 47 C.F.R. § 11.11(a).

<sup>2</sup> Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations ...." 47 U.S.C. § 544(g).

<sup>3</sup> *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making*, FO Docket Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994) ("First Report and Order"), reconsideration granted in part, denied in part, 10 FCC Rcd 11494 (1995).

Commission amended the EAS rules to provide financial relief for small cable systems.<sup>4</sup> The Commission declined to exempt small cable systems from the EAS requirements, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).<sup>5</sup> However, the Commission extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.<sup>6</sup>

3. Mediacom filed a request for temporary, 12-month waivers of Section 11.11(a) for 107 cable systems in the 11 captioned states on September 30, 2002. In support of its waiver request, Mediacom states that it has embarked on a capital expenditure to upgrade, interconnect and consolidate its cable systems. Mediacom further states the interconnection and consolidation of these 107 small, rural cable systems, which serve between 25 and 5,697 subscribers, will not be completed before October 1, 2002. Based on costs associated with providing EAS equipment for its other cable systems, Mediacom estimates that it would cost a total of approximately \$826,000 to install EAS equipment at 107 cable systems. Mediacom asserts that its purchase of EAS equipment before the interconnection and consolidation of these systems are completed would result in economic waste. In addition, Mediacom submits that its subscribers will continue to have ready access to national EAS information from other sources, including its cable systems. Mediacom also asserts that its subscribers will have access to EAS information through over-the-air reception of broadcast television and radio stations. Finally, Mediacom believes that it can bring its cable systems into EAS compliance within the next six months.

4. Based upon our review of the information submitted by Mediacom, we conclude that temporary, 12-month waivers of Section 11.11(a) for the 107 cable systems are warranted.<sup>7</sup>

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b) and 0.311 of the Rules,<sup>8</sup> Mediacom Communications Corporation **IS GRANTED** a waiver of Section 11.11(a) of the Rules until October 1, 2003 for 107 cable television systems in Attachment A.

6. **IT IS FURTHER ORDERED** that Mediacom Communications Corporation place a copy of this waiver in its system files.

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<sup>4</sup> *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Second Report and Order*, FO Docket Nos. 91-171/91-301, 12 FCC Rcd 15503 (1997) ("*Second Report and Order*").

<sup>5</sup> *Id.* at 15512-13.

<sup>6</sup> *Id.* at 15516-15518.

<sup>7</sup> The waivers will extend from October 1, 2002, until October 1, 2003. Additionally, we clarify that the waivers we are granting also encompass the EAS testing and monitoring requirements.

<sup>8</sup> 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for Mediacom Communications Corporation, Stuart F. Feldstein, Esq., Fleischman and Walsh, L.L.P, 1400 Sixteenth Street, N. W., Washington, D. C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey  
Chief, Technical and Public Safety Division  
Enforcement Bureau

## Attachment A

Mediacom Communications Corporation

**Cable Systems:****Temporary Waiver Granted Until:****Alabama**

Hale County, Alabama	October 1, 2003
Linden, Alabama	October 1, 2003
York, Alabama	October 1, 2003

**Florida**

Greensboro, Florida	October 1, 2003
Gretna, Florida	October 1, 2003
Havana, Florida	October 1, 2003
Pensacola NAS, Florida	October 1, 2003

**Georgia**

Eastman (city of), Georgia	October 1, 2003
Lumber City, Georgia	October 1, 2003
Ray City, Georgia	October 1, 2003
Seminole (unincorp.), Georgia	October 1, 2003
Shellman (city of), Georgia	October 1, 2003
Sparks (town of), Georgia	October 1, 2003
Telfair (unincorp.), Georgia	October 1, 2003
Tift (unincorp.), Georgia	October 1, 2003
Vienna (city of), Georgia	October 1, 2003
Willacoochee, Georgia	October 1, 2003

**Iowa**

Bedford (city of), Iowa	October 1, 2003
Bloomfield (city of), Iowa	October 1, 2003
Bonaparte, Iowa	October 1, 2003
Clarinda (city of), Iowa	October 1, 2003
Creston (city of), Iowa	October 1, 2003
Corning (city of), Iowa	October 1, 2003
Eddyville (city of), Iowa	October 1, 2003
Fairbank, (Fayette County) Iowa	October 1, 2003
Fredonia (city of), Iowa	October 1, 2003
Garnavillo, Iowa	October 1, 2003
Greenfield (city of), Iowa	October 1, 2003
Knoxville (unincorp.), Iowa	October 1, 2003
Leon, Iowa	October 1, 2003
Lucas (unincorp.), Iowa	October 1, 2003
Mills (portion) (unincorp.), Iowa	October 1, 2003
Montezuma, Iowa	October 1, 2003

**Cable Systems:****Temporary Waiver Granted Until:**

Mt Aye (city of), Iowa	October 1, 2003
New Albin, Iowa	October 1, 2003
New Sharon, Iowa	October 1, 2003
Newton (city of), Iowa	October 1, 2003
Osceola (city of), Iowa	October 1, 2003
Pella (unincorp.), Iowa	October 1, 2003
Perry (city of), Iowa	October 1, 2003
Poweshiek (unincorp.), Iowa	October 1, 2003
Prairie City (city of), Iowa	October 1, 2003
Shenandoah (city of), Iowa	October 1, 2003
Sully, Iowa	October 1, 2003
Villisca (city of), Iowa	October 1, 2003
Wellman, Iowa	October 1, 2003
Winterset (city of), Iowa	October 1, 2003
Wright (unincorp.), Iowa	October 1, 2003

**Illinois**

Arenzville, Illinois	October 1, 2003
Burlington, Illinois	October 1, 2003
Cantrall (unincorp. outside), Illinois	October 1, 2003
Casey (city of), Illinois	October 1, 2003
Clay City (village of), Illinois	October 1, 2003
Coffeen, Illinois	October 1, 2003
Crawford, Illinois	October 1, 2003
Farina (village of), Illinois	October 1, 2003
Garden Prairie, Illinois	October 1, 2003
Gilberts, Illinois	October 1, 2003
Greenview, Illinois	October 1, 2003
Hampshire, Illinois	October 1, 2003
Hanover (city of), Illinois	October 1, 2003
Harrisburg (town of), Illinois	October 1, 2003
Herrick, Illinois	October 1, 2003
Irving, Illinois	October 1, 2003
Kirkland, Illinois	October 1, 2003
Lacon, Illinois	October 1, 2003
Malta, Illinois	October 1, 2003
Maple Park, Illinois	October 1, 2003
Marshall (city of), Illinois	October 1, 2003
McHenry, Illinois	October 1, 2003
Neoga (city of), Illinois	October 1, 2003
Oconee, Illinois	October 1, 2003
Pulaski County, Illinois	October 1, 2003
Ridott, Illinois	October 1, 2003
Robinson, Illinois	October 1, 2003
Shipman, Illinois	October 1, 2003

**Cable Systems:****Temporary Waiver Granted Until:**

Smithton, Illinois	October 1, 2003
Strasburg (village of), Illinois	October 1, 2003
Stewardson (village of), Illinois	October 1, 2003
Tilden, Illinois	October 1, 2003
Toledo (village of), Illinois	October 1, 2003
Tower Hill, Illinois	October 1, 2003
Union County, Illinois	October 1, 2003
Williamson (unincorp.), Illinois	October 1, 2003
Wilsonville, Illinois	October 1, 2003
Windsor (city of), Illinois	October 1, 2003

**Kansas**

Eureka, Kansas	October 1, 2003
Hamilton, Kansas	October 1, 2003
Madison, Kansas	October 1, 2003
Mulberry, Kansas	October 1, 2003

**Kentucky**

Edmonson, (Rough River) Kentucky	October 1, 2003
St. Paul, Kentucky	October 1, 2003

**Minnesota**

City of Brownsville, Minnesota	October 1, 2003
New Hartford, Minnesota	October 1, 2003
Silver Bay, Minnesota	October 1, 2003
Two Harbors (unincorp. outside), Minnesota	October 1, 2003

**Missouri**

Archie, Missouri	October 1, 2003
Sarcoie, Missouri	October 1, 2003

**Mississippi**

George County, Mississippi	October 1, 2003
Pearlington, Mississippi	October 1, 2003
Wiggins (unincorp. outside), Mississippi	October 1, 2003

**Wisconsin**

City of Albany, Wisconsin	October 1, 2003
Argyle, Wisconsin	October 1, 2003
Blanchardville, Wisconsin	October 1, 2003
Ferryville, Wisconsin	October 1, 2003
Orfordville, Wisconsin	October 1, 2003
Wheatland, Wisconsin	October 1, 2003